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EXAMINER

PAGAN, JENINE MARIE

ART UNIT	PAPER NUMBER
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4147

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04/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/582,583	Applicant(s) BOBBETT ET AL.	
	Examiner JENINE M. PAGAN	Art Unit 4147	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 10/582,583.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/12/2006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. The information disclosure statement (IDS) submitted on 6/12/2006 is being considered by the examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

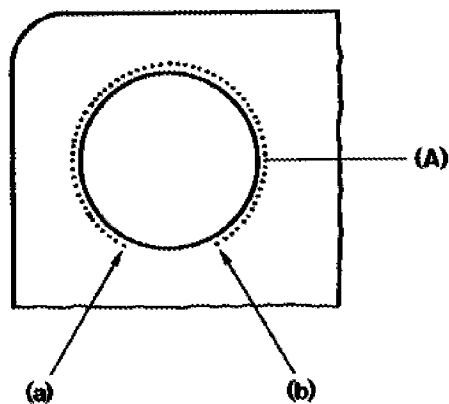


Fig. 1

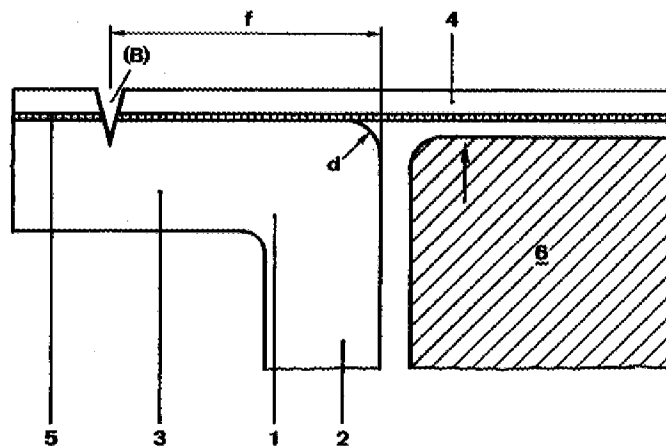


Fig. 2

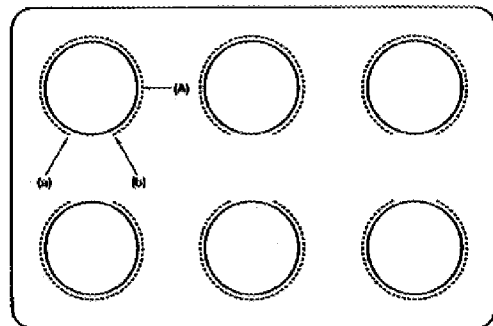


Fig. 1a

Schmiletzky (US 5,360,116)

3. Claims 1-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmiletzky (US 5,360,116).

4. In reclaim 1, with reference to Figure 1 and 2, Schmiletzky '116 discloses a medical retaining sheet:

- sheet comprising a first sheet (4) having first and second faces and a second sheet (1) having first and second faces, wherein the first face of the second sheet (1) and the second face of the first sheet (4) are opposed and bonded together and wherein the first sheet (4) includes lines of weakness (A) defining a plurality medicament release zones (e)

5. In reclaim 2, with reference to Figure 1 and 2, Schmiletzky '116 discloses a medical retaining sheet:

- the lines of weakness defining medicament release zones (e) comprise a plurality of perforations and/or slits (A) (Column 8, Lines 20-23)

6. In reclaim 3, with reference to Figure 1 and 2, Schmiletzky '116 discloses a medical retaining sheet:

- the lines of weakness (A) are formed in the first face of the first sheet (4)

7. In reclaim 4, with reference to Figure 1 and 2, Schmiletzky '116 discloses a medical retaining sheet:

- the lines of weakness (A) extend from the first face of the first sheet (4), through the first sheet (4) and to the second face of said first sheet (4) in at least a portion of each individual medicament release zone (e) (Column 8, Lines 57-64)

8. In reclaim 5, with reference to Figure 1 and 2, Schmiletzky '116 discloses a medical retaining sheet:

- medicament retaining sheet (1,4) comprises a laminate (Column 5, Lines 8-13)

9. In reclaim 6, with reference to Figure 1 and 2, Schmiletzky '116 discloses a medical retaining sheet:

- at least portions of the second face of the second sheet (1) are provided with a permanent adhesive (5)

10. In reclaim 7, with reference to Figure 1 and 2, Schmiletzky '116 discloses a medical retaining sheet:

- the second face of the second sheet (1) is fully coated with a permanent adhesive (Column 6, Lines 60-63)

11. In reclaim 8, with reference to Figure 1 and 2, Schmiletzky '116 discloses a medical retaining sheet:

- second face of the second sheet (1) is provided with no permanent adhesive in the medicament release zones (e) (Column 6, Lines 60-63)

12. In reclaim 9, with reference to Figure 1 and 2, Schmiletzky '116 discloses a medical retaining sheet:

- the second sheet (1) is formed from a metal foil or a metallized plastics material (Column 4, Lines 7-12)

13. In reclaim 10, with reference to Figure 1 and 2, Schmiletzky '116 discloses a medical retaining sheet:

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- the first sheet (4) is formed from a paper material (Column 3, Lines 64-68)

14. In reclaim 11, with reference to Figure 1a, Schmiletzky '116 discloses a medical retaining sheet:

- the medicament retaining sheet (1, 4) is for use in the manufacture of a medicament blister pack

15. In reclaim 12, with reference to Figure 1a, Schmiletzky '116 discloses a medical retaining sheet:

- the use of a medicament retaining sheet (1, 4) in the manufacture of a medicament blister pack

16. In reclaim 13, with reference to Figure 1a, Schmiletzky '116 discloses a medical retaining sheet:

- a medicament blister pack comprising a medicament retaining sheet (1, 4)

17. In reclaim 14, with reference to Figure 1 and 2, Schmiletzky '116 discloses a medical retaining sheet:

- the medicament tray (3) comprises a molded plastics or metallized tray including a plurality of medicament cavities (2) (Column 4, Lines 7-12)

18. In reclaim 15, with reference to Figure 1 and 2, Schmiletzky '116 discloses a label for medical retaining sheet:

- medicament tray (3) having a plurality of molded cavities or recesses (2) each containing a medicant in the form of a capsule or tablet (6), said capsules or tablets (6) being held in place by means of a retaining sheet (1, 4), wherein said label has a first and second faces, said first face having an adhesive applied

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thereto and wherein said label includes lines of weakness (A) defining a plurality of medicament release zones (e)

19. In reclaim 16, with reference to Figure 1 and 2, Schmiletzky '116 discloses a label for medical retaining sheet:

- the lines of weakness (A) defining medicament release zones (e) comprise a plurality of perforations and/or slits (A)

20. In reclaim 17, with reference to Figure 1 and 2, Schmiletzky '116 discloses a label for medical retaining sheet:

- the lines of weakness (A) extend from the upper surface, through the label, to the lower surface of said label in at least a portion of each individual medicament release zone (e)

21. In reclaim 18, with reference to Figure 1 and 2, Schmiletzky '116 discloses a label for medical retaining sheet:

- the lines of weakness (A) are formed in the second face of the label

22. In reclaim 19, with reference to Figure 1 and 2, Schmiletzky '116 discloses a label for medical retaining sheet:

- at least portions of the second face of the second sheet (1) are provided with a permanent adhesive (Column 6, Lines 60-63)

23. In reclaim 20, with reference to Figure 1 and 2, Schmiletzky '116 discloses a label for medical retaining sheet:

- no adhesive is applied to the first face in the medicament release zones(e)

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24. In reclaim 21, with reference to Figure 1 and 2, Schmiletzky '116 discloses a label for medical retaining sheet:

- the first face is fully coated with a permanent adhesive (Column 6, Lines 60-63)

25. In reclaim 22, with reference to Figure 1 and 2, Schmiletzky '116 discloses a label for medical retaining sheet:

- the label is formed from a paper material (Column 3, Lines 64-68)

Conclusion

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dressel et al. (US 5,785,180) discloses a child resistant package. Ito et al. (US 6,637,596) discloses a press-through pack, sealing sheet for press-through pack. Moser et al. (US 3,941,248) discloses a childproof packaging for tablets. Shibata (US 6,776,285 B2) discloses a blister pack. Gernier et al. (US 3,912,082) discloses a blister package. Bolnick et al. (US 2002/0162768 A1) discloses a child resistant senior friendly medicament label.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENINE M. PAGAN whose telephone number is (571)270-3216. The examiner can normally be reached on Monday - Friday, 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Nguyen can be reached on (571) 272-4491. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jenine M Pagan
Examiner
Art Unit 4147

JP

/George Nguyen/
Supervisory Patent Examiner, Art Unit 4147